

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2007-1999-MWD-E **TCEQ ID:** RN101721587 **CASE NO.:** 35155  
**RESPONDENT NAME:** City of Archer City

|  |   |  |
|--|---|--|
| <b>ORDER TYPE:</b>   |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER  | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER  | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER   | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <b>CASE TYPE:</b>  |   |  |
| <input type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY   | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                  |
| <input checked="" type="checkbox"/> WATER QUALITY  | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE   | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Archer City WWTP, approximately 3/4 mile northeast of the intersection of State Highway 25 and State Highway 79, Archer County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 12, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/> <b>Respondent:</b> The Honorable David A. Levy, Mayor, Archer City, P.O. Box 367, Archer City, Texas 76351<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|---|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 17, 2007 and December 13, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 15, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation and record review.</p> <p><b>WATER</b></p> <p>1) Failed to prevent four unauthorized discharges of wastewater. Specifically, on February 27, 2007, an unauthorized discharge of approximately 5,000 gallons occurred from the main sewer line on North Beech Street into an unnamed tributary and flowed north through a pasture; on July 13, 2007, an unauthorized discharge of approximately 3,000 gallons occurred from a manhole in the 300 block of West Evergreen Street, entering a bar ditch and then an unnamed creek through a horse pasture; on March 30, 2007, an unauthorized discharge of 20,000-30,000 gallons occurred from a manhole in the 500 block of East Main Street (State Highway 25) which flowed into Onion Creek; and on May 27, 2007, an unauthorized discharge of approximately 8,000 gallons occurred from the same manhole flowing north into an unnamed creek and then into Onion Creek to the Little Wichita River [30 TEX. ADMIN. CODE § 305.125(4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010393002, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to properly operate and maintain the wastewater treatment ponds. Specifically, numerous trees and cattails were observed along the inside edge of the</p> | <p><b>Total Assessed:</b> \$16,575</p> <p><b>Total Deferred:</b> \$3,315<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$13,260</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Within two hours of each of the discharges occurring on February 27, 2007, March 30, 2007, May 27, 2007, and July 13, 2007, the discharge was stopped and disinfectant was applied to the ground; and</p> <p>b. On December 6, 2007, sealed the sludge drying bed to prevent unauthorized discharges and removed excess vegetation from within and around the drying bed.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, remove trees, cattails, and other vegetation from within and from the sides of the treatment ponds to ensure optimal treatment and to prevent potential contamination of water in the state;</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010393002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations;</p> <p>c. Within 90 days after the effective date of this Agreed Order, complete an assessment of the collection line where discharges had occurred, including smoke testing and/or televising the line, to determine the primary cause of the past unauthorized discharges and any additional replacements, repairs, or maintenance necessary to prevent future discharges;</p> <p>d. Within 105 days after the effective date</p> |

|   |  |  |
|---|--|--|
| <p>treatment ponds [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1].</p> <p>3) Failed to properly operate and maintain the sludge drying beds, resulting in leakage from the south drying bed. In addition, excessive vegetation was observed along the outside and inside of the sludge drying beds [30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g. and Operational Requirements No. 1].</p> <p>4) Failed to comply with the minimum dissolved oxygen permitted effluent concentration of 5.0 milligrams per liter ("mg/L"). Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5 mg/L, and 4.4 mg/L were reported for December 2006, January 2007 and August 2007 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010393002, Effluent Limitations and Monitoring Requirements No. 6].</p> |  | <p>of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions a., b., and c.;</p> <p>e. Within 180 days after the effective date of this Agreed Order, complete repairs or replacement or other recommendations resulting from the assessment required by Ordering Provision c. above;</p> <p>f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision e.; and</p> <p>g. The certifications shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a., b., c., and e.</p> |
|---|--|--|

Additional ID No(s): WQ001039300





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

|       |          |             |           |             |         |  |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 19-Nov-2007 | Screening | 13-Dec-2007 | EPA Due |  |
|       | PCW      | 11-Dec-2007 |           |             |         |  |

## RESPONDENT/FACILITY INFORMATION

|                      |                     |                    |       |
|----------------------|---------------------|--------------------|-------|
| Respondent           | City of Archer City |                    |       |
| Reg. Ent. Ref. No.   | RN101721587         |                    |       |
| Facility/Site Region | 3-Abilene           | Major/Minor Source | Minor |

## CASE INFORMATION

|                   |                 |                   |                    |
|-------------------|-----------------|-------------------|--------------------|
| Enf./Case ID No.  | 35155           | No. of Violations | 5                  |
| Docket No.        | 2007-1999-MWD-E | Order Type        | 1660               |
| Media Program(s)  | Water Quality   | Enf. Coordinator  | Merrilee Hupp      |
| Multi-Media       |                 | EC's Team         | Enforcement Team 1 |
| Admin. Penalty \$ | Limit Minimum   | \$0               | Maximum            |
|                   |                 |                   | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$8,500

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 95% Enhancement Subtotals 2, 3, & 7 \$8,075

Notes: The Respondent self-reported 17 effluent violations and received two NOV's for same or similar violations.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

|               |            |                               |
|---------------|------------|-------------------------------|
|               | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           | X          | (mark with x)                 |

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** \$137 0% Enhancement\* Subtotal 6 \$0  
**Approx. Cost of Compliance** \$199,250 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$16,575

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$16,575

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$16,575

**DEFERRAL** 20% Reduction Adjustment -\$3,315

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$13,260

Screening Date 13-Dec-2007

Docket No. 2007-1999-MWD-E

PCW

Respondent City of Archer City

Policy Revision 2 (September 2002)

Case ID No. 35155

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101721587

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 19                | 95%     |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 95%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

The Respondent self-reported 17 effluent violations and received two NOVs for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 95%

| <b>Screening Date</b> 13-Dec-2007<br><b>Respondent</b> City of Archer City<br><b>Case ID No.</b> 35155<br><b>Reg. Ent. Reference No.</b> RN101721587<br><b>Media [Statute]</b> Water Quality<br><b>Enf. Coordinator</b> Merrilee Hupp<br><b>Violation Number</b> <input type="text" value="1"/>   | <b>Docket No.</b> 2007-1999-MWD-E<br><div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;"> <i>Policy Revision 2 (September 2002)</i><br/> <i>PCW Revision November 6, 2007</i> </div>  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
|---|--|--|---|--|----------------------------|--|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|--------------------------------|--|--------------------------------|--|--------------|--------------------------------|--|----------------------|
| <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(4), TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g., and Tex. Water Code § 26.121(a)  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Violation Description</b> Failed to prevent an unauthorized discharge of wastewater. Specifically, on February 27, 2007, an unauthorized discharge of approximately 5,000 gallons discharged from the main sewer line on North Beech Street into an unnamed tributary and north through a pasture. On May 27, 2007, an unauthorized discharge of approximately 8,000 gallons occurred from a manhole in the 500 block of East Main Street (State Highway 25) flowed north into an unnamed creek and then into Onion Creek to the Little Wichita River. On July 13, 2007, an unauthorized discharge of approximately 3,000 gallons occurred from a manhole in the 300 block of West Evergreen Street, entered a bar ditch and then an unnamed creek through a horse pasture.  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Base Penalty</b> <input style="width: 100px;" type="text" value="\$10,000"/>   |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>   |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| OR  | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text" value="x"/></td> <td rowspan="2"><b>Percent</b> <input style="width: 50px;" type="text" value="10%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </tbody> </table> |  | Major   | Moderate   | Minor                      |  | <b>Release</b>       |                      |                      |                      |                      | Actual               | <input type="text"/>           | <input type="text"/>   | <input type="text" value="x"/> | <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/> | Potential    | <input type="text"/>           | <input type="text"/>   | <input type="text"/> |
|   | Major  | Moderate   | Minor   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Release</b>  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| Actual  | <input type="text"/>   | <input type="text"/>   | <input type="text" value="x"/>  | <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>   |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| Potential   | <input type="text"/>   | <input type="text"/>   | <input type="text"/>  |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>&gt;&gt; Programmatic Matrix</b>   |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
|   | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 30%;"></th> </tr> </thead> <tbody> <tr> <td><b>Falsification</b></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><b>Percent</b> <input style="width: 50px;" type="text" value="0%"/></td> </tr> </tbody> </table>  |  | Major   | Moderate   | Minor                      |  | <b>Falsification</b> |                      |                      |                      |                      |                      | <input type="text"/>           | <input type="text"/>   | <input type="text"/>           | <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>  |              |                                |  |                      |
|   | Major  | Moderate   | Minor   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Falsification</b>  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
|   | <input type="text"/>   | <input type="text"/>   | <input type="text"/>  | <b>Percent</b> <input style="width: 50px;" type="text" value="0%"/>  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| Matrix Notes  | Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Adjustment</b> <input style="width: 100px;" type="text" value="\$9,000"/>  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <input style="width: 100px;" type="text" value="\$1,000"/>  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Violation Events</b>   |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events <input style="width: 50px;" type="text" value="3"/></td> <td style="width: 20%; text-align: center;"><input style="width: 50px;" type="text" value="3"/></td> <td style="width: 40%;">Number of violation days</td> </tr> </table><br><table style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;">           mark only one<br/>with an x         </td> <td style="width: 30%;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table> </td> <td style="width: 50%; vertical-align: top;"> <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$3,000"/> </td> </tr> </table><br><div style="border: 1px solid black; padding: 10px; text-align: center;">         Three single events are recommended (one for each discharge documented).       </div> |  | Number of Violation Events <input style="width: 50px;" type="text" value="3"/> | <input style="width: 50px;" type="text" value="3"/>   | Number of violation days   | mark only one<br>with an x | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table> | daily                | <input type="text"/> | monthly              | <input type="text"/> | quarterly            | <input type="text"/> | semiannual                     | <input type="text"/>   | annual                         | <input type="text"/>   | single event | <input type="text" value="x"/> | <b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$3,000"/> |                      |
| Number of Violation Events <input style="width: 50px;" type="text" value="3"/>  | <input style="width: 50px;" type="text" value="3"/>  | Number of violation days   |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
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| daily   | <input type="text"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| monthly   | <input type="text"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| quarterly   | <input type="text"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| semiannual  | <input type="text"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| annual  | <input type="text"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| single event  | <input type="text" value="x"/>   |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <b>Economic Benefit (EB) for this violation</b>   |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| <table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input style="width: 100px;" type="text" value="\$38"/></td> <td style="width: 50%; text-align: right;"> <b>Statutory Limit Test</b><br/>           Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,850"/> </td> </tr> <tr> <td colspan="2" style="text-align: right;">           This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,850"/> </td> </tr> </table>   |  | Estimated EB Amount <input style="width: 100px;" type="text" value="\$38"/>    | <b>Statutory Limit Test</b><br>Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,850"/> | This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,850"/> |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| Estimated EB Amount <input style="width: 100px;" type="text" value="\$38"/>   | <b>Statutory Limit Test</b><br>Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$5,850"/>  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |
| This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$5,850"/>  |  |  |   |  |                            |  |                      |                      |                      |                      |                      |                      |                                |  |                                |  |              |                                |  |                      |

## Economic Benefit Worksheet

**Respondent** City of Archer City  
**Case ID No.** 35155  
**Reg. Ent. Reference No.** RN101721587  
**Media** Water Quality  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |           |             |             |     |     |      |      |
|--------------------------|-----------|-------------|-------------|-----|-----|------|------|
| Equipment                | \$3,500   | 27-May-2007 | 28-May-2007 | 0.0 | \$0 | \$1  | \$1  |
| Buildings                |           |             |             | 0.0 | \$0 | \$0  | \$0  |
| Other (as needed)        |           |             |             | 0.0 | \$0 | \$0  | \$0  |
| Engineering/construction | \$192,000 | 27-Feb-2007 | 28-Feb-2007 | 0.0 | \$2 | \$35 | \$37 |
| Land                     |           |             |             | 0.0 | \$0 | n/a  | \$0  |
| Record Keeping System    |           |             |             | 0.0 | \$0 | n/a  | \$0  |
| Training/Sampling        |           |             |             | 0.0 | \$0 | n/a  | \$0  |
| Remediation/Disposal     |           |             |             | 0.0 | \$0 | n/a  | \$0  |
| Permit Costs             |           |             |             | 0.0 | \$0 | n/a  | \$0  |
| Other (as needed)        | \$500     | 13-Jul-2007 | 14-Jul-2007 | 0.0 | \$0 | n/a  | \$0  |

Notes for DELAYED costs

Estimated cost of approximately 1,040 feet of sewer line replacement at the North Beech Street location, including engineering fees, materials, and labor; the labor associated with jet cleaning of the sewer line on Evergreen Street to prevent unauthorized discharges; and the smoke-testing, assessment, and additional repair, replacement, or maintenance of collection line along Main Street to prevent unauthorized discharges. Date required is the documented discharge date and final date is when that discharge was stopped and disinfectant was applied to the ground.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$196,000

TOTAL

\$38



Screening Date 13-Dec-2007

Docket No. 2007-1999-MWD-E

PCW

Respondent City of Archer City

Policy Revision 2 (September 2002)

Case ID No. 35155

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101721587

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(4), TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g., and Tex. Water Code § 26.121(a)

Violation Description

Failed to prevent an unauthorized discharge of wastewater. Specifically, an unauthorized discharge of 20,000-30,000 gallons was reported on March 30, 2007 from a manhole in the 500 block of East Main Street (State Highway 25) which flowed into Onion Creek.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | x        |       |
| Potential |       |          |       |

Percent 25%

## &gt;&gt; Programmatic Matrix

| Falsification |       |          |       |
|---------------|-------|----------|-------|
|               | Major | Moderate | Minor |
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event | x |

Violation Base Penalty \$2,500

One single event is recommended for the documented discharge.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

**Economic Benefit Worksheet**

Respondent City of Archer City  
 Case ID No. 35155  
 Reg. Ent. Reference No. RN101721587  
 Media Water Quality  
 Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Cost        | Date Required   | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------------|------------|-----|----------------|---------------|-----------|
| Item Description | No commas or \$ |            |     |                |               |           |

**Delayed Costs**

|                          |  |  |     |     |     |     |
|--------------------------|--|--|-----|-----|-----|-----|
| Equipment                |  |  | 0.0 | \$0 | \$0 | \$0 |
| Buildings                |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)        |  |  | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction |  |  | 0.0 | \$0 | \$0 | \$0 |
| Land                     |  |  | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System    |  |  | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling        |  |  | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal     |  |  | 0.0 | \$0 | n/a | \$0 |
| Permit Costs             |  |  | 0.0 | \$0 | n/a | \$0 |
| Other (as needed)        |  |  | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost is covered under Violation No. 1.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |     |     |     |     |
|-------------------------------|--|--|-----|-----|-----|-----|
| Disposal                      |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 13-Dec-2007

Docket No. 2007-1999-MWD-E

PCW

Respondent City of Archer City

Policy Revision 2 (September 2002)

Case ID No. 35155

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101721587

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the wastewater treatment ponds. Specifically, numerous trees and cattails were observed along the inside edge of the treatment ponds.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          | x     |

Percent 5%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 1

87 Number of violation days

mark only one  
with an x

|              |   |
|--------------|---|
| daily        |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

Violation Base Penalty \$500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

**Economic Benefit Worksheet**

Respondent: City of Archer City  
 Case ID No.: 35155  
 Reg. Ent. Reference No.: RN101721587  
 Media: Water Quality  
 Violation No.: 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |         |             |             |     |      |     |      |
|--------------------------|---------|-------------|-------------|-----|------|-----|------|
| Equipment                |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Buildings                |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Other (as needed)        |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Engineering/construction |         |             |             | 0.0 | \$0  | \$0 | \$0  |
| Land                     |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Record Keeping System    |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Training/Sampling        |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Remediation/Disposal     |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Permit Costs             |         |             |             | 0.0 | \$0  | n/a | \$0  |
| Other (as needed)        | \$1,500 | 17-Sep-2007 | 15-Jun-2008 | 0.7 | \$56 | n/a | \$56 |

Notes for DELAYED costs

Estimated cost to treat and remove vegetation on edge of treatment ponds. Date required is the investigation date and final date is when compliance is expected to be achieved.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$56

Screening Date 13-Dec-2007

Docket No. 2007-1999-MWD-E

PCW

Respondent City of Archer City

Policy Revision 2 (September 2002)

Case ID No. 35155

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101721587

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(4) and (5) and TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g. and Operational Requirements No. 1

Violation Description

Failed to properly operate and maintain the sludge drying beds, resulting in leakage from the south drying bed. In addition, excessive vegetation was observed along the outside and inside of the sludge drying beds, as documented during the investigation on September 17, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          | x     |

Percent 5%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,500

\$500

## Violation Events

Number of Violation Events 1

80 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event | x |

Violation Base Penalty \$500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$975

This violation Final Assessed Penalty (adjusted for limits) \$975

**Economic Benefit Worksheet**

Respondent City of Archer City

Case ID No. 35155

Reg. Ent. Reference No. RN101721587

Media Water Quality

Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Cost        | Date Required   | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------------|------------|-----|----------------|---------------|-----------|
| Item Description | No commas or \$ |            |     |                |               |           |

**Delayed Costs**

|                          |         |             |            |     |     |      |      |
|--------------------------|---------|-------------|------------|-----|-----|------|------|
| Equipment                |         |             |            | 0.0 | \$0 | \$0  | \$0  |
| Buildings                |         |             |            | 0.0 | \$0 | \$0  | \$0  |
| Other (as needed)        |         |             |            | 0.0 | \$0 | \$0  | \$0  |
| Engineering/construction | \$1,500 | 17-Sep-2007 | 6-Dec-2007 | 0.2 | \$1 | \$22 | \$23 |
| Land                     |         |             |            | 0.0 | \$0 | n/a  | \$0  |
| Record Keeping System    |         |             |            | 0.0 | \$0 | n/a  | \$0  |
| Training/Sampling        |         |             |            | 0.0 | \$0 | n/a  | \$0  |
| Remediation/Disposal     |         |             |            | 0.0 | \$0 | n/a  | \$0  |
| Permit Costs             |         |             |            | 0.0 | \$0 | n/a  | \$0  |
| Other (as needed)        |         |             |            | 0.0 | \$0 | n/a  | \$0  |

**Notes for DELAYED costs**

Estimated cost of labor to seal sludge drying bed, including labor and materials, and to remove excess vegetation from the drying bed. Date required is the investigation date and final date is when corrective action was completed and compliance was achieved.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$23

Screening Date 13-Dec-2007

Docket No. 2007-1999-MWD-E

PCW

Respondent City of Archer City

Policy Revision 2 (September 2002)

Case ID No. 35155

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101721587

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ001393002, Effluent Limitations and Monitoring Requirements No. 6

Violation Description

Failed to comply with the minimum dissolved oxygen permitted effluent concentration of 5.0 milligrams per liter ("mg/L"). Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5 mg/L, and 4.4 mg/L were reported for December 2006, January 2007 and August 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          | X     |
| Potential |       |          |       |

Percent 10%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 2

93 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | monthly      |   |
|                            | quarterly    | X |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event |   |

Violation Base Penalty \$2,000

Two quarterly events are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$3,900

This violation Final Assessed Penalty (adjusted for limits) \$3,900

## Economic Benefit Worksheet

**Respondent** City of Archer City  
**Case ID No.** 35155  
**Reg. Ent. Reference No.** RN101721587  
**Media** Water Quality  
**Violation No.** 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

### Delayed Costs

|                          |       |             |             |     |      |     |      |
|--------------------------|-------|-------------|-------------|-----|------|-----|------|
| Equipment                |       |             |             | 0.0 | \$0  | \$0 | \$0  |
| Buildings                |       |             |             | 0.0 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |             |             | 0.0 | \$0  | \$0 | \$0  |
| Engineering/construction |       |             |             | 0.0 | \$0  | \$0 | \$0  |
| Land                     |       |             |             | 0.0 | \$0  | n/a | \$0  |
| Record Keeping System    |       |             |             | 0.0 | \$0  | n/a | \$0  |
| Training/Sampling        |       |             |             | 0.0 | \$0  | n/a | \$0  |
| Remediation/Disposal     |       |             |             | 0.0 | \$0  | n/a | \$0  |
| Permit Costs             |       |             |             | 0.0 | \$0  | n/a | \$0  |
| Other (as needed)        | \$250 | 31-Dec-2006 | 31-Aug-2008 | 1.7 | \$21 | n/a | \$21 |

Notes for DELAYED costs

Estimated cost for additional monitoring of and possible adjustment of minimum dissolved oxygen levels. Date required is the first month of excursion, and final date is the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$21



## Compliance History

|   |   |                          |                              |                     |
|---|---|--------------------------|------------------------------|---------------------|
| Customer/Respondent/Owner-Operator:   | CN600650048   | City of Archer City      | Classification: AVERAGE      | Rating: 1.19        |
| Regulated Entity:   | RN101721587   | CITY OF ARCHER CITY WWTP | Classification: AVERAGE      | Site Rating: 1.28   |
| ID Number(s):   | WASTEWATER  | PERMIT                   | WQ0010393002                 |                     |
|   | WASTEWATER  | PERMIT                   | TPDES0054518                 |                     |
|   | WASTEWATER  | PERMIT                   | TX0054518                    |                     |
|   | WASTEWATER LICENSING  | LICENSE                  | WQ0010393002                 |                     |
| Location:   | approximately 3/4 mile northeast of intersection of SH 25 & SH 79 in Archer County. |                          | Rating Date: September 01 07 | Repeat Violator: NO |
| TCEQ Region:  | REGION 03 - ABILENE   |                          |                              |                     |
| Date Compliance History Prepared:   | December 06, 2007   |                          |                              |                     |
| Agency Decision Requiring Compliance History:   | Enforcement   |                          |                              |                     |
| Compliance Period:  | December 06, 2002 to December 06, 2007  |                          |                              |                     |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |   |                          |                              |                     |
| Name:   | Merrilee Hupp   | Phone:                   | 512-239-4490                 |                     |

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

|    |            |          |
|----|------------|----------|
| 1  | 12/19/2002 | (186538) |
| 2  | 01/21/2003 | (186540) |
| 3  | 02/21/2003 | (186517) |
| 4  | 03/19/2003 | (186519) |
| 5  | 04/22/2003 | (186522) |
| 6  | 05/19/2003 | (307468) |
| 7  | 06/16/2003 | (307469) |
| 8  | 07/21/2003 | (307470) |
| 9  | 08/18/2003 | (307471) |
| 10 | 09/25/2003 | (307472) |
| 11 | 10/23/2003 | (307473) |
| 12 | 11/20/2003 | (307474) |
| 13 | 12/19/2003 | (307475) |
| 14 | 01/14/2004 | (307476) |
| 15 | 02/23/2004 | (307465) |
| 16 | 03/18/2004 | (307466) |
| 17 | 04/19/2004 | (307467) |
| 18 | 05/20/2004 | (356879) |
| 19 | 06/21/2004 | (356880) |
| 20 | 07/21/2004 | (356881) |
| 21 | 08/20/2004 | (356882) |
| 22 | 09/23/2004 | (356883) |
| 23 | 10/21/2004 | (356884) |
| 24 | 11/19/2004 | (384532) |

|    |            |          |
|----|------------|----------|
| 25 | 12/20/2004 | (384533) |
| 26 | 01/20/2005 | (384534) |
| 27 | 03/14/2005 | (422477) |
| 28 | 04/20/2005 | (422478) |
| 29 | 05/16/2005 | (422479) |
| 30 | 05/20/2005 | (422481) |
| 31 | 06/15/2005 | (422480) |
| 32 | 07/20/2005 | (443411) |
| 33 | 09/14/2005 | (443412) |
| 34 | 10/17/2005 | (473267) |
| 35 | 11/14/2005 | (473268) |
| 36 | 12/12/2005 | (473269) |
| 37 | 01/18/2006 | (473270) |
| 38 | 02/08/2006 | (473265) |
| 39 | 03/13/2006 | (473266) |
| 40 | 04/11/2006 | (501445) |
| 41 | 05/18/2006 | (501446) |
| 42 | 06/12/2006 | (501447) |
| 43 | 07/20/2006 | (523691) |
| 44 | 08/22/2006 | (523692) |
| 45 | 09/20/2006 | (523693) |
| 46 | 10/24/2006 | (548669) |
| 47 | 11/10/2006 | (548670) |
| 48 | 12/18/2006 | (548671) |
| 49 | 01/18/2007 | (581886) |
| 50 | 02/12/2007 | (540117) |
| 51 | 02/20/2007 | (581881) |
| 52 | 03/12/2007 | (581882) |
| 53 | 04/23/2007 | (581883) |
| 54 | 05/23/2007 | (581884) |
| 55 | 06/22/2007 | (565205) |
| 56 | 06/25/2007 | (581885) |
| 57 | 06/27/2007 | (566031) |
| 58 | 07/19/2007 | (608249) |
| 59 | 08/23/2007 | (608250) |
| 60 | 09/17/2007 | (608251) |
| 61 | 11/15/2007 | (594677) |

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

|              |   |          |                 |          |
|--------------|---|----------|-----------------|----------|
| Date:        | 01/31/2003  | (186517) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter              |          |                 |          |
| Date:        | 02/28/2003  | (186519) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter              |          |                 |          |
| Date:        | 03/31/2003  | (186522) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter              |          |                 |          |
| Date:        | 04/30/2003  | (307468) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter              |          |                 |          |
| Date:        | 08/31/2003  | (307472) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter              |          |                 |          |
| Date:        | 12/31/2003  | (307476) |                 |          |
| Self Report? | YES   |          | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)<br>TWC Chapter 26 26.121(a) |          |                 |          |

|              |   |          |                          |
|--------------|---|----------|--------------------------|
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 03/31/2004  | (307467) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 04/30/2004  | (356879) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 05/31/2004  | (356880) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 06/30/2004  | (356881) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 08/31/2004  | (356883) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 09/30/2004  | (356884) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 01/31/2006  | (473265) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 06/30/2006  | (523691) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 12/31/2006  | (581886) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 01/31/2007  | (581881) |                          |
| Self Report? | YES   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | TWC Chapter 26 26.121(a)  |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter                                |          |                          |
| Date:        | 02/12/2007  | (540117) |                          |
| Self Report? | NO  |          | Classification: Moderate |
| Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  |          |                          |
|              | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
|              | 30 TAC Chapter 305, SubChapter F 305.125(5)   |          |                          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |          |                          |
| Description: | Failure to prevent the unauthorized discharge of wastewater.                              |          |                          |
| Date:        | 02/12/2007  | (534629) |                          |
| Self Report? | NO  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)   |          |                          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |          |                          |
| Description: | Failure to submit the annual sludge report (September 05-August 06) by September 1, 2006. |          |                          |
| Self Report? | NO  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |          |                          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |          |                          |
| Description: | Failure to prevent the unauthorized discharge of wastewater.                              |          |                          |

|              |   |                 |          |
|--------------|---|-----------------|----------|
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |                 |          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |                 |          |
| Description: | Failure to maintain and secure the Quail Ridge Lift station.  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |                 |          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |                 |          |
| Description: | Failure to properly operate and maintain the wastewater treatment ponds.                                |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |                 |          |
| Rqmt Prov:   | PERMIT WQ0010393-002  |                 |          |
| Description: | Failure to prevent the unauthorized discharge of wastewater from the south drying bed.                  |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(5)   |                 |          |
| Description: | Failure to maintain the vent fan at Lift Station No. 3.   |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 319, SubChapter A 319.6  |                 |          |
| Description: | Failure to demonstrate adequate quality assurance/quality control for the analysis of dissolved oxygen. |                 |          |
| Date:        | 08/31/2007 (608251)   |                 |          |
| Self Report? | YES   | Classification: | Moderate |
| Citation:    | 2D TWC Chapter 26, SubChapter A 26.121(a)   |                 |          |
|              | 30 TAC Chapter 305, SubChapter F 305.125(1)   |                 |          |
| Description: | Failure to meet the limit for one or more permit parameter  |                 |          |

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF ARCHER CITY  
RN101721587**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1999-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Archer City ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility approximately 3/4 mile northeast of the intersection of State Highway 25 and State Highway 79 in Archer County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about November 20, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand Five Hundred Seventy-Five Dollars (\$16,575) is assessed by the Commission in settlement of the violations alleged in Section



II ("Allegations"). The City has paid Thirteen Thousand Two Hundred Sixty Dollars (\$13,260) of the administrative penalty and Three Thousand Three Hundred Fifteen Dollars (\$3,315) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. Within two hours of each of the discharges occurring on February 27, 2007, March 30, 2007, May 27, 2007, and July 13, 2007, the discharge was stopped and disinfectant was applied to the ground; and
  - b. On December 6, 2007, sealed the sludge drying bed to prevent unauthorized discharges and removed excess vegetation from within and around the drying bed.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to prevent four unauthorized discharges of wastewater, in violation of 30 TEX. ADMIN. CODE § 305.125(4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010393002, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 17, 2007. Specifically, on February 27, 2007, an unauthorized discharge of approximately 5,000 gallons occurred from the main sewer line on North Beech Street into an unnamed tributary and flowed north through a pasture; on July 13, 2007, an unauthorized discharge of approximately 3,000 gallons occurred from a manhole in the 300 block of West Evergreen Street, entering a bar ditch and then an unnamed creek through a horse pasture; on March 30, 2007, an unauthorized discharge of 20,000-30,000 gallons occurred





from a manhole in the 500 block of East Main Street (State Highway 25) which flowed into Onion Creek; and on May 27, 2007, an unauthorized discharge of approximately 8,000 gallons occurred from the same manhole flowing north into an unnamed creek and then into Onion Creek to the Little Wichita River.

2. Failed to properly operate and maintain the wastewater treatment ponds, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1, as documented during an investigation conducted on September 17, 2007. Specifically, numerous trees and cattails were observed along the inside edge of the treatment ponds.
3. Failed to properly operate and maintain the sludge drying beds, resulting in leakage from the south drying bed, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0010393002, Permit Conditions No. 2.g. and Operational Requirements No. 1, as documented during an investigation conducted on September 17, 2007. In addition, excessive vegetation was observed along the outside and inside of the sludge drying beds.
4. Failed to comply with the minimum dissolved oxygen permitted effluent concentration of 5.0 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0010393002, Effluent Limitations and Monitoring Requirements No. 6, as documented during a record review conducted on December 13, 2007. Specifically, dissolved oxygen levels of 2.6 mg/L, 4.5 mg/L, and 4.4 mg/L were reported for December 2006, January 2007 and August 2007.

### **III. DENIALS**

The City generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Archer City, Docket No. 2007-1999-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, remove trees, cattails, and other vegetation from within and from the sides of the treatment ponds to ensure optimal



treatment and to prevent potential contamination of water in the state, in accordance with 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010393002, Operational Requirements No. 1;

- b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0010393002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations;
- c. Within 90 days after the effective date of this Agreed Order, complete an assessment of the collection line where discharges had occurred, including smoke testing and/or televising the line, to determine the primary cause of the past unauthorized discharges and any additional replacements, repairs, or maintenance necessary to prevent future discharges;
- d. Within 105 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., and 2.c. as described in 2.g. below;
- e. Within 180 days after the effective date of this Agreed Order, complete repairs or replacement or other recommendations resulting from the assessment required by Ordering Provision 2.c. above;
- f. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e., as described in Ordering Provision No. 2.g. below; and
- g. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b., 2.c., and 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



City of Archer City  
DOCKET NO. 2007-1999-MWD-E  
Page 6

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

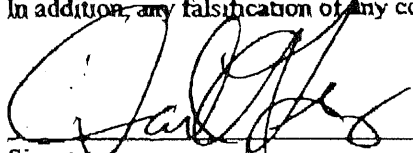
5/11/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

May 7, 2008  
Date

David A. Levy  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Archer City

Mayor, City of Archer City  
\_\_\_\_\_  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

